

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

**FILED**

## UNITED STATES DISTRICT COURT

for the

Northern District of California

Division

APR 02 2019

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA  
OAKLAND OFFICE

Case No.

**C19-1709 JST**  
(to be filled in by the Clerk's Office)

Jury Trial: (check one)



Yes



No

Brent Shipp, Eric Deguzman

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Mayor Libby Schauf, Joe DeVito,  
Dept of Public Works, City of Oakland

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Address

County

Telephone Number

E-Mail Address

Brent Shipp, Eric DeGuzman  
 residence: 4124 16th Ave mailing: 4799 Shattuck Ave  
 Oakland CA 94609  
 City State Zip Code  
 Alameda  
 415-746-0824, 510-938-5038, 510.355.7010  
 po page 1977342@aol.com, eric  
 maowunyo@gmail.com.

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

## Defendant No. 1

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Mayor Libby Schaaf  
 Mayor of Oakland  
 Office of the Mayor  
 Oakland CA 94612  
 City State Zip Code  
 Alameda  
 510-238-3141  
 office of the mayor@oaklandnet.com  
☐ Individual capacity ☒ Official capacity

## Defendant No. 2

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Joe DeVries  
 Asst to Administrator  
 1 Frank Ogawa Plaza, 3rd Floor  
 Oakland CA 94612  
 City State Zip Code  
 Alameda  
 510-238-3083  
 jdevries@oaklandnet.com  
☐ Individual capacity ☒ Official capacity

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## Defendant No. 3

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Dept. of Public Works

250 Frank Ogawa Plaza

Oakland

City

CA

State

94612

Zip Code

Alameda

510-615-5566

☐

Individual capacity

☒

Official capacity

## Defendant No. 4

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

The City of Oakland

a subsidiary of the state of California

1 Frank Ogawa Plaza

Oakland

City

CA

State

94612

Zip Code

Alameda

510-444-2484

☐

Individual capacity

☒

Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

8<sup>th</sup> Amendment, 4<sup>th</sup> Amendment, 14<sup>th</sup> Amendment.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

The city has acted "under color of law" by using their power in an abusive way. They are not acting as public servants, they are using their power & authority to oppress us, abuse us & traumatize us. We have right under the constitution & they are using their power & privilege to ~~the~~ violate our rights & protections. The city has done this to us repeatedly.

### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

after repeated evictions from encampments & Tuff Sheds we have received yet another eviction on 3/29/19<sup>admission</sup>. We are scheduled to be evicted again 4/3/2019

- B. What date and approximate time did the events giving rise to your claim(s) occur?

Oakland, CA

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

1<sup>st</sup> eviction of EL2 & 16<sup>th</sup>: Nov 2017

2<sup>nd</sup> eviction from EL2 & 23<sup>rd</sup> Jan 31 2019

3<sup>rd</sup> eviction from Miller Ave Tuff Sheds ~~and~~ Feb 2019

4<sup>th</sup> ~~in~~ threat of eviction:

We are tired of being evicted over & over. We are tired of our property being thrown out; we are tired of being knocked down over & over; we are tired of our civil rights being violated

## IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

These evictions cause us depression, anxiety, trauma, stress. We go thru emotional & mental distress. We loose important paperwork, family photos, medication, ID's & personal property at every eviction which negatively impacts our ability to find employment, keep employment, maintain our health, ~~and~~ maintain our stability & comfort in these streets.

## V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

We want the City of Oakland to stop evicting us ~~until~~ <sup>shuffling</sup> until they have safe, dignified, permanent ~~housing~~ housing for us. If they can't house us they must leave us alone.

Also In the case of evictions, we want the City of Oakland to follow their so called policy and stop throwing away people's belongings. Public works should do the job they are paid to do & bag, tag & store our belongings for 90 days. And make retrieving our belongings accessible.

**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 4/2/19

Signature of Plaintiff

Printed Name of Plaintiff

AMIC SEGULZMAN

AMIC SEGULZMAN

Brent Shipp

Brent Shipp

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

Telephone Number

E-mail Address